

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 50496 of 2012
Arising out of P.S. Case No. -273 Year- 2004 Thana –Pirbahore
District- Patna

=====

Sumil Kumar Tiwary S/o Late Ramesh Tiwary R/o Mohalla-Kalyani Co-
Operative, Ber, P.S.-Phulwari (Now Beur), Distt-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Krishna Kumar Yadav S/o Late Mahabir Yadav R/o Mohalla-Polsan
Dairy, P.S.-Digha, Distt-Patna..... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. M.K. Singh, Adv.

For the Opposite Party/s : Mr. APP.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-09-2015

The Petitioner seeks quashing of the order dated 04.10.2012 passed by the Additional Sessions Judge-II, Patna in Cr. Rev. No. 208 of 2012/51 of 2012 by which it has confirmed the order dated 09.02.2012 passed by the Chief Judicial Magistrate, Patna in Pirbahore P.S. Case No. 273 of 2004 by which it has directed that the application of Sections 182/211 IPC be initiated against the Complainant after the case is disposed off.

The background facts of the case is that the Petitioner instituted a case against the accused persons for having kidnapped his brother-in-law. Subsequently, after due investigation the Police submitted final report recommending that the Informant be proceeded against under Section 182 and 211 IPC. The Petitioner then moved the Revisional Court on the ground that he was not heard before the final report was accepted. On remand the final report was accepted after hearing the Petitioner and then it was decided that he be

proceeded against under Sections 182 and 211 IPC.

It has been submitted that even though the allegations levelled upon Petitioner were not found corroborated during investigation it did not necessarily mean that he had instituted a false case. In such circumstances, he submits that the proposal for his prosecution under Sections 182 and 211 IPC be set aside.

On the other hand, Counsel for the Complainant submits that since he has been harassed by the Petitioner on false allegations he should be put on trial.

However, considering the merits of the case and the nature of allegations, the entire proceeding as against the Petitioner including the order dated 04.10.2012 passed by the Additional Sessions Judge-II, Patna in Cr. Rev. No. 208 of 2012/51 of 2012 by which it has confirmed the order dated 09.02.2012 passed by the Chief Judicial Magistrate, Patna in Pirbahore P.S. Case No. 273 of 2004 is, hereby, set aside.

Further, it is made clear that no Court shall entertain a protest Petition on behalf of the Petitioner.

The Application stands disposed off with the aforesaid observations.

(Anjana Prakash, J.)

Vikash/-

U		T	
---	--	---	--